

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL ACTION NO. 4:16-CR-117-
	§	ALM-KPJ
SCHWEKA FANYON BROOKS (4)	§	

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Now before the Court is the request for revocation of Defendant Schweka Fanyon Brooks's ("Defendant") supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on June 8, 2021, to determine whether Defendant violated her supervised release. Defendant was represented by Brian O'Shea of the Federal Public Defender's Office. The Government was represented by Will Taylor.

Defendant was sentenced on June 30, 2017, before The Honorable Amos L. Mazzant, III of the Eastern District of Texas after pleading guilty to the offense of Conspiracy to Possess with Intent to Distribute or Dispense 28 Grams or More of Cocaine Base, a Class B felony. This offense carried a statutory maximum imprisonment term of 40 years. The guideline imprisonment range, based on a total offense level of 19 and a criminal history category of I, was 30 to 37 months. Defendant was subsequently sentenced to 24 months imprisonment followed by 2 years supervised release subject to the standard conditions of release, plus special conditions to include financial disclosure, and drug testing and treatment. On August 14, 2018, Defendant completed her period of imprisonment and began service of the supervision term. On August 17, 2020, the term of supervised release was revoked, and Defendant was sentenced to Time Served followed by 12 months supervised release subject to the standard conditions plus special conditions to include

financial disclosure as well as drug testing and treatment. On August 18, 2020, Defendant completed her term of imprisonment and began service of the supervision term.

On April 15, 2021, the United States Probation Officer executed a Petition for Warrant or Summons for Offender Under Supervision [Dkt. 148, Sealed]. The Petition asserts that Defendant violated three (3) conditions of supervision, as follows: (1) You must refrain from any unlawful use of a controlled substance; (2) You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change; and (3) You must participate in a program of testing and treatment for substance abuse and follow the rules and regulations of that program until discharged. The probation officer, in consultation with the treatment provider, will supervise your participation in the program. You must pay any cost associated with treatment and testing [Dkt. 148 at 1-2, Sealed].

The Petition alleges that Defendant committed the following acts: (1) On December 17, 2020, Defendant submitted a urine sample which tested positive for cocaine. The specimen was forwarded to Alere Laboratory where it was confirmed. Defendant subsequently admitted to using cocaine; (2) On March 31, 2021, an unannounced home visit was conducted at Defendant's residence, and her grandmother informed the U.S. Probation Officer that Defendant had not lived there in months. She stated she does not know where Defendant is living at this time; and (3) Defendant failed to submit a urine sample as directed on January 7, January 27, February 10, February 23, March 9, and March 22, 2021. She has not submitted any samples since her positive drug test on December 17, 2020. As of this writing on April 15, 2021, Defendant has not called

the random drug testing line as directed since March 30, 2021. Defendant failed to attend her scheduled outpatient substance abuse treatment sessions on September 30, November 17, December 1, 3, 16, and 29, 2020; February 4 and 16, March 2, 16, 23, and 30, 2021. Defendant was unsuccessfully discharged from outpatient substance abuse treatment at New Focus Counseling due to her failure to attend sessions as scheduled. After being instructed to complete the 28-day residential program at Homeward Bound inpatient treatment center in Dallas, Texas, on March 1, 2021, Defendant failed to attend two scheduled intake screenings at the facility on March 11 and 18, 2021 [Dkt. 148 at 1-2, Sealed].

Prior to the Government putting on its case, Defendant entered a plea of true to each of the allegations of the Petition. Having considered the Petition and the plea of true to allegations 1 through 3, the Court finds that Defendant did violate her conditions of supervised release.

Defendant waived her right to allocute before the District Judge and her right to object to the report and recommendation of this Court [Dkt. 158].

### **RECOMMENDATION**

Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant's supervised release be revoked and that she be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eight (8) months, with no term of supervised release to follow.

The Court also recommends that Defendant be housed in the Bureau of Prisons facility in Fort Worth, Texas, if appropriate.

**SIGNED this 25th day of June, 2021.**



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Christine A. Nowak  
UNITED STATES MAGISTRATE JUDGE